

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and light of the remarks which follow are respectfully requested.

Claims 1-28 are pending in the application, new claims 23-28 having been added above. Support for claims 23, 25 and 27 can be found at least in Figure 1 of the application. Support for claims 24, 26 and 28 can be found at least at page 12, lines 1-7 of the specification.

By the foregoing amendments, various claims have been revised by replacing various forms of "having" and "including" with "comprising" language for consistency. Other amendments are for form and/or readability.

Turning now to the Official Action, new corrected drawings have been requested. Accordingly, attached is a new set of drawings by which the handwritten drawing reference numerals and figure numbers have been replaced with typeface, and which includes a redrawn Figure 8.

Claim 1-5, 7-15 and 19-22 stand rejected under 35 U.S.C. §102(e) as being anticipated by Giboney et al (U.S. Patent No. 6,318,909). In addition, claims 6 and 16-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Giboney et al. These rejections are respectfully traversed for at least the following reasons.

The present invention relates to a package for optical devices, and particularly to a module for operatively coupling one or more optical fibers with one or more optical devices. Claim 1, for example, sets forth an optical device package which comprises: a) a substrate comprising an upper surface; b) an optical fiber mounted to the substrate; c) a frame mounted to the upper surface of the substrate, the frame comprising conductive pathways extending between a top surface of the frame and a bottom surface of the frame; and d) contact means disposed on the top surface of the frame for flip mounting the optical device package to a platform. Independent claim 19 sets forth a method for making an optical device package and independent claim 22 sets forth a method for assembling an electronic circuit.

The claims cannot properly be rejected based on the teachings of Giboney et al. In this regard, it is well established, that in order to establish anticipation under §102,

each element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Kalman v. Kimberly-Clark Corp., 218 USPQ 789 (Fed. Cir. 1983). That is not the case here.

In setting forth the §102 rejection, the Official Action states that:

Giboney et al. . . . teaches . . . an optical device package 20 (and inherent method of same) comprising: a substrate having a plurality of surfaces (including surface 31), optical fibers 71 mounted in alignment to the substrate, a frame 26 mounted to the substrate having conductive pathways between its surfaces, and contact means 44 to electrically connect the frame for mounting to a platform. (Official Action at pages 2-3).

Giboney et al does not disclose or suggest each feature of the present invention. For example, Giboney et al does not disclose or fairly suggest an optical fiber mounted to the substrate, as set forth in independent claims 1 and 22, or mounting an optical fiber to a substrate, as set forth in independent claim 19. According to the above-quoted text, the Examiner relies on reference numeral 31 as referring to a surface of the substrate.

Giboney et al describes 31 as “support element 31” (see col. 7, lines 8-9) and illustrates that structure in Figure 7. It should be clear that Giboney et al does not suggest that the fiber optic ribbon 71 is mounted to the support element 31. Further, the Official Action does not even make such contention. In this regard, the Official Action merely states that the “optical fibers 71 [are] mounted in alignment to the substrate” (emphasis added).

Whether or not the Examiner’s statement is correct regarding alignment of fibers to substrate, it has no relevance to the claimed feature at issue, i.e., an optical fiber mounted to the substrate. Accordingly, withdrawal of the rejections based on Giboney et al is in order.

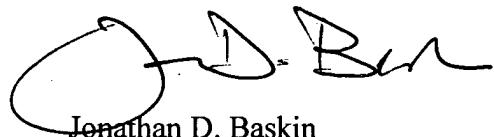
It is noted that the dependent claims are allowable over Giboney et al at least for the reasons set forth above with respect to the independent claims, and further distinguish over that document. Further, the newly presented claims are not disclosed or suggested by Giboney et al. In this regard, Giboney et al does not disclose or suggest that that an optical fiber lies in a groove in the substrate upper surface, as set forth in new claims 23, 25 and 27, or that a package is hermetically sealed, as set forth in claims 24, 26 and 28.

Moreover, regarding the §103(a) rejection of claims 6 and 16-18, the Examiner has apparently taken Official Notice with respect to the use of ferrules and sintered ceramic. Applicant respectfully requests that the Examiner provide a reference in support of these positions to allow proper evaluation of the modification of Giboney et al.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned in order to expedite prosecution.

Respectfully submitted,



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